

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

September 16, 2019
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were Interim City Administrator Brian Gramentz, Police Chief Jim Felt, Finance Director Steve Okins, Park and Recreation Director Rob Baumgarn, Planning and Development Services Director David Ramstad, Public Works Director Sean Christensen, Human Resources Director Samantha Beckman, Fire Chief Frank Hanson, City Clerk Judy Thompson, City Planner Sarah Swedburg, Police Captain Michael Anderson, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Fagerlie moved to approve the agenda as presented. Council Member Mueske seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of September 3, 2019
- B. Willmar Municipal Utilities Board Minutes of September 9, 2019
- C. Planning Commission Minutes of September 4, 2019
- D. Application to Conduct Excluded Bingo – Church of St. Mary
- E. **Resolution No. 19-141 Declaring Surplus Equipment and Authorizing Sale at Public Auction**
- F. Accounts Payable Report August 29 through September 11, 2019
- G. Park and Recreation Board Minutes of August 28, 2019
- H. Monthly Building Report for August, 2019
- I. Invest in Willmar Board Minutes of July 31, 2019
- J. City Hall Task Force Minutes of August 20, 2019

Council Member Mueske offered a motion to approve the Consent Agenda. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin read a Proclamation declaring September 21, 2019 as “Celebrate Art! Celebrate Coffee” Days” in Willmar. Mayor Calvin noted Mayor Pro Tempore Rick Fagerlie presented the Proclamation to the Celebrate Art! Celebrate Coffee Committee at an earlier date.

Mayor Calvin read a Proclamation declaring the week of September 15, 2019 as CareerForce Week in the City of Willmar. Mayor Calvin then presented the Proclamation to CareerForce representative Beverly Donley,

There was no one present to speak during the Open Forum.

At 7:07 p.m. Mayor Calvin opened the public hearing for an Ordinance Authorizing Sale of Real Property to BNSF Railway Company. City Attorney Robert Scott stated the sale/conveyance of the depicted city-owned property is in conjunction with the Willmar Wye Project which has been ongoing for several years.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:09 p.m. and opened it up for discussion by the Council. Council Member Plowman offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1441 An Ordinance Authorizing the Sale of Real Property to BNSF Railway Company**. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Economic Development Commission (EDC) Executive Director Aaron Backman presented the 2020 EDC budget to the Mayor and Council. He stated the proposed budget totals \$606,588, including a county tax levy of \$534,000. This represents a 1.0% increase in the county tax levy for the upcoming year. He noted the proposed budget was approved by the Joint Operations Board on June 13th, the Joint Powers Board on July 25th, and the Kandiyohi County Commissioners will consider the 2020 budget on September 17th. Following discussion, Council Member Schwantes offered a motion to approve the 2020 EDC budget as presented. Council Member Asmus seconded the motion which carried.

The Public Works/Safety Committee Report for September 4, 2019 was presented to the Mayor and Council by Council Member Plowman. There were five items for consideration.

Item No. 1 Staff brought forth, for information, the Police Department statistics for the month of August. This item was for information only.

Item No. 2 Staff brought forth, for approval, acceptance of Project No. 1610/1810 and authorization of final payment in the amount of \$81,037.46 to Lametti and Sons, Inc. Project No. 1610/1810 was the replacement of the Armory, Gorton and Fairgrounds lift stations. It was the recommendation of the Committee to accept Project No. 1610/1810 and authorize final payment in the amount of \$81,037.46 to Lametti and Sons, Inc.

Resolution No. 19-142 Accepting Project No. 1610/1810 and Authorizing Final Payment was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 3 Staff brought forth, for approval, the change orders on Project No. 1901-A and 1901-B. Change Order No. 1 in the amount of \$13,452.08 for Project No. 1901-A, reconstruction of 5th Street SW, resulted from replacing a drain tile and adding addition fill to stabilize soils. Change Order No. 1 in the amount of \$8,008.00 for Project No. 1901-B, reconstruction of 13th, 14th, 15th and 16th Street SE, resulted from lowering a watermain and adding an additional sanitary drop.

It was the recommendation of the Committee to accept Change Order No. 1 in the amount of \$13,452.08 for Project No. 1901-A.

The Committee also recommended to accept Change Order No. 1 in the amount of \$8,008.00 for Project No. 1901-B.

Resolution No. 19-143 Accepting Change Order No. 1 for Project No. 1901-A was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Resolution No. 19-144 Accepting Change Order No. 1 for Project No. 1901-B was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 4 Staff brought forth, for approval, the bid award for the DOAC Pool Resurfacing project. Two bids were received, with the low bid from Global Specialty Contractors, Inc. in the amount of \$243,447 for

the base bid and alternates of Acid-Rite pH control system and poolside climbing wall. It was the recommendation of the Committee to award the Base Bid and Alternate B and C for the DOAC Pool Resurfacing project to Global Specialty Contractors, Inc. in the amount of \$243,447.

Resolution No. 145 Awarding the DOAC Pool Resurfacing Project to Global Specialty Contractors Inc. In the Amount of \$243,447 was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 5 Staff brought forth, for information, the discussion of the Robbins Island beach closure policy. The beach is tested every Monday from Memorial Day to Labor Day for fecal count. If the count is over 200, the beach is closed and staff re-tests the water daily until the levels are below the defined threshold. It is the recommendation from the Parks and Recreation to continue testing the water to protect the public. This item was for information only.

Mayor Calvin spoke against the beach closing policy and spoke in favor of following the county's process for closing beaches.

The Public Works/Safety Committee Report of September 4, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman. Council Member Nelsen seconded the motion, and carried.

The Finance Committee Report for September 5, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were five items for consideration.

Item No. 1 Pursuant to Willmar Municipal Code, Chapter 9, Article III concerning the cutting of weeds or grass, and in the case of noncompliance, such work to be performed by the City or its agent, the costs thereof can be certified as a special assessment against the property concerned. And, since there were six parcels where noncompliance occurred, staff was asking the Committee to recommend to the Council, to set a public hearing for October 7, 2019 at 7:01 p.m. It was the recommendation of the Committee to recommend that the City Council set a public hearing for 7:01 p.m. on October 7, 2019.

Council Member Nelsen offered a motion to approve the recommendation of the Committee. Council Member Plowman seconded the motion which carried.

Item No. 2 Willmar Main Street is currently pursuing the organization of a new event downtown called "Touch-a-Truck" and would like to charge business participants in order to cover marketing and staff time. The participant fee is recommended to be set at \$100 to participate, with a goal of 16-20 businesses. This would allow the event to remain free for all community members to attend, and would require a budgetary amendment of \$1,600 to record the estimated revenue and anticipated costs. It was the recommendation of the Committee to amend the Main Street budget by \$1,600.00.

Following discussion, **Resolution No. 19-146 2019 Final Main Street Budget Amendment Total Cost \$58,300** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 3 The Local Option Sales Tax Project Budgets will be proposed and discussed during the 2020 Budget process as the tax will be implemented October 1, 2019. Staff was recommending that a preliminary budget be considered to account for taxes collected in the months of October thru December and then reallocated to the project budgets once finalized in 2020. The estimated amount of collections in the three-month period is estimated to be approximately \$750,000. It was the recommendation of the Committee to set the Preliminary Budget for the Local Option Sales Tax at \$750,000.

Resolution No. 19-147 Preliminary Local Option Sales Budget Total Cost \$750,000 was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 4 The 2019 Capital Improvement Program includes \$200,000 for the DOAC pool resurfacing project. Bids were requested to replace the pool plaster finish and provide and install a pH adjustment system and opened on April 25th. Since the bids were significantly higher than budgeted, the project was rebid and adjusted to include replastering the pool tile. Alternates included: B: Acid-Rite pH control system; C: Poolside climbing wall, and; D: Concrete for the patio deck. Bids were opened Wednesday, September 4th at 1:30 p.m. The Public Works/Safety Committee recommended awarding the Base Bid with alternates B and C in the amount of \$243,447, needed to fund the shortfall of \$43,447.

After the discussions between the City Engineer and the Finance Director, staff was recommending the excess dollars from the Pro Patch Trailer be re-appropriated to cover the shortfall. It was the recommendation of the Committee to re-appropriate \$43,447 from the Pro-Patch Trailer to the Aquatic Center resurfacing.

Resolution No. 19-148 Re-appropriating Funds for the DOAC Pool Resurfacing Project was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 5 The committee reviewed and discussed the recommendations for updating the City Purchasing Policy. The recommendations would basically change the policy to follow MN Statute 471.345. This way as the State changes the Statute the policy would automatically change and the Council would not have to take action to amend. Staff was directed to place this item for action at the next meeting. The committee also discussed the upcoming meeting schedule and directed staff to schedule special meetings to discuss the Preliminary Tax Levy for September 26th, inviting the whole City Council for input. Also scheduling November 21st regular meeting, with full council input to recommend a final budget for the December 2nd Truth in Taxation meeting. This item was for information only.

The Finance Committee Report of September 5, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Fagerlie seconded the motion which carried.

Mayor Calvin welcomed Boy Scout Troup 224 member Taden Heck who was present at the meeting, and noted he was working toward his Community Badge.

The Community Development Committee Report for September 9, 2019 was presented to the Mayor and Council by Council Member Davis. There were two items for consideration.

Item No. 1 Staff first informed the Committee that the City had already approved the tax abatement for AEHM, LLC (Suite Liv'n) to construct a new 24-unit apartment building, and that the last step in the process was to review and approve the revised resolution and agreement between the City & AEHM, LLC. Staff provided some background information, including that the Sunwood Apartment Complex was owned by AEHM, LLC and that they are currently in the process of constructing the additional 24-unit building. The scope of work also includes improvements to the interiors and exteriors on the existing two buildings (12-units each). The committee was also informed that AEHM, LLC had requested and received Planning Commission approval for an amendment to the existing Planned Unit Development (PUD), which allowed the construction of the additional 24-units at the site. Finally, staff informed the Committee that the Council-approved Tax Abatement is for 10-years at 90% of the increased tax base, and is being provided because the project could not otherwise support itself in the near-term, without the tax abatement. It was also noted that the city will continue to receive the taxes that are based on the property value prior to the new construction.

Council Member Schwantes, asked staff to clarify what changes were made in the Resolution and Agreement. Staff informed the Committee that the revised resolution corrects and restates the following areas: (a) removed a contingency of approval by the County, (b) the term of the tax abatement was revised to be from 2022 to 2031, (c) the site's multiple parcels were combined into a single property identification number

and, (d) clarifications were added to ensure that the tax abatement only applies to the increased property value resulting from the new building. Finally, the Committee also discussed how, if and when tax increment financing and abatements should be used and for what types of projects.

After discussion, staff made the following two recommendations to the Committee: First, to make a motion to approve the tax abatement resolution amending, correcting, and restating Resolution No. 19-068. And, second, to adopt the resolution to approve the Tax Abatement Agreement with AEHM, LLC and authorize the Mayor & City Administrator to execute the revised version.

It was the recommendation of the Committee to approve the resolution amending, correcting, and restating Resolution No. 19-068.

The Committee also recommended to approve the Tax Abatement Agreement with AEHM, LLC and authorize the Mayor & City Administrator to execute the revised version.

City Planner Sarah Swedburg noted the County denied the tax abatement request.

Economic Development Director Aaron Backman provided information about the County's decision to deny the request.

Following discussion, **Resolution No. 19-149 Amending, Correcting and Re-Statting Resolution No. 19-068, Approving Property Tax Abatement** was introduced by Council Member Davis. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2. Council Members Davis and Alvarado voted "no".

Resolution No. 19-150 Tax Abatement Agreement for AEHM, LLC was introduced by Council Member Nelsen. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2. Council Members Davis and Alvarado voted "no".

Item No. 2 Staff highlighted some of the department's current activities for the Committee, which included the recent submittal of City's application to participate in the National Flood Insurance Program; the department continues its search to fill the Permit Technician/Clerk position; Sarah attended her first class of the 2019 Vision 2040 Leadership Cohort Program; and the department has thus far processed 399 permits to date, for a total overall development value of \$47M, of which \$43M (90%) worth of said projects are currently being processed at City Hall, and that construction volume is categorized as follows: 8.5% Retail – 27.6% Institutional – 34% Industrial – 29.7% Multifamily Housing. In addition, it was mentioned that the construction documents for the second phase of the Legacy development have been submitted (Caribou Cabin). This item was for information only.

The Community Development Committee Report of September 9, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Davis. Council Member Schwantes seconded the motion which carried.

The Labor Relations Committee Report for September 9, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were six items for consideration.

Item No. 1 Staff brought forth the request for a Full-Time Deputy Fire Chief again, now that Administrator Gramentz, Chief Hanson, and Mayor Calvin had discussed and reviewed the request and funding sources. The proposed job description, justification for the position, and salary range have all been reviewed by the committee. With increased population, commercial (and inspection) growth, emergency management protocol, increased Training and Public Education requirements, and the need for a full-time 'back-up' chief (rather than only available on-call) there is a growing need for a Full Time Deputy Fire Chief. It was the recommendation of the Committee to approve adding a Deputy Fire Chief as a new position with the City in 2020.

Council Member Mueske offered a motion to approve the recommendation of the Committee. Council Member Davis seconded the motion which carried.

Item No. 2 Staff brought forth updating and re-scoring the City Clerk job description. There were several duties that were removed from the job description in 2016, however the current City Clerk continues to perform those duties so they were added back into the job description and then re-scored by the HR Director. It was the recommendation of the Committee to approve the new job description and pay grade.

Council Member Mueske offered a motion to approve the recommendation of the Committee. Council Member Schwantes seconded the motion which carried.

Item No. 3 Staff brought forth updating the current Willmar Employee Educational Program Policy as a continuation of earlier discussions. Several options and updates were discussed and staff will bring back a revised policy for approval at our next meeting. This item was for information only.

Item No. 4 Staff presented the Insights Discovery employee engagement/communication profile as an employee development tool to be implemented in 2020. After discussion about the program and other similar offerings, a group consensus was reached to request \$20,000 in the 2020 budget for an employee engagement program.

Council Member Mueske offered a motion to approve adding \$20,000 to the 2020 budget for an employee engagement program. Council Member Nelsen seconded the motion which carried.

Item No. 5 Staff presented the seventh section of the updated employee personnel policy and Military Leave Policy. It was pointed out that the majority of this section are leaves required to be offered to employees by law. In future updates to the handbook, these sections will be simplified to reference the applicable state statute. It was the recommendation of the Committee to adopt the seventh section of the new Personnel Policy and Military Leave Policy.

Council Member Mueske offered a motion to approve the recommendation of the Committee. Council Member Schwantes seconded the motion which carried.

Item No. 6 Staff distributed the eighth section of the updated employee personnel policy. At the League's recommendation, staff is utilizing their handbook template and customizing it to Willmar's policies and procedures. This item was for information only.

The Labor Relations Committee Report of September 9, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Mueske. Council Member Schwantes seconded the motion which carried.

City Planner Sarah Swedburg presented a request to consider a rezoning of land for commercial use as an office/warehouse for a new painting and power washing company. She noted the Planning Commission found this rezoning would not be consistent with the 2009 Comprehensive Plan that encourages full development of existing industrial and commercial land and recommends orderly development occur where a full complement of utilities can be provided. The Planning Commission recommends denial of this request to rezone.

Following a lengthy discussion, Council Member Fagerlie offered a motion to introduce an ordinance to rezone the property from Agriculture (Ag) to General Business (GB) and set a public hearing for October 7th.

Following further discussion, Council Member Fagerlie withdrew his original motion and offered a new motion to introduce an ordinance to rezone the property from Agriculture (Ag) to Limited Business (LB) and set a public hearing for October 7th. Council Member Mueske seconded the motion which failed on a vote of Ayes 1, Noes 7. Council Members Mueske, Schwantes, Davis, Alvarado, Asmus, Plowman, and Nelsen voted "no".

Council Member Nelsen then offered a motion to introduce **Resolution No. 19-151 Adopting Planning Commission Findings of Fact and Denial of Rezoning of Certain Property Owned by Kandiyohi Power Cooperative from Agriculture (AG) to General Business (GB)**. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1. Council Member Fagerlie voted “no”.

City Attorney Robert Scott presented a request to approve the City’s termination of the agricultural leases with Justin Boike and Mark Kvam with respect only to the parcels to be conveyed by the City to BNSF for the Wye project. He noted both leases allow the City to terminate in the event the City shall sell any portion of the leased premises or convert the same to non-agricultural use, subject only to the City’s payment of crop damages for any crops in the field at the time of termination.

Following discussion, Council Member Fagerlie offered a motion to terminate the agricultural leases with Justin Boike and Mark Kvam with respect only to the parcels to be conveyed by the City to BNSF for the Wye project. Council Member Asmus seconded the motion which carried.

Mayor Calvin stated he had made a comment at the September 3, 2019 Council meeting that documents relating to the Wye project would be signed tonight following the meeting. This will be postponed to the next Council meeting.

City Administrator Brian Gramentz stated the proposed 2020 budget would be available on the city’s website tomorrow for public review and gave a brief explanation of the budget process.

Mayor Calvin presented the Proposed 2020 Budget and noted that the Public Works/Safety Committee and Finance Committee are continuing to work on a new proposal for street project funding. He is also asking the Finance Committee to review the Wastewater Fund Balance. Mayor Calvin stated our revenues have been remaining flat due to minimal increase in Local Government Aid and moderate increase in valuation. Our infrastructure maintenance has increased due to aging infrastructure, deferred costs, and local option sales tax projects.

The proposed property tax levy for 2020 is at \$5,776,821, which represents an increase of 2.6 percent (2.6%) over the 2019 Budget. The total proposed general fund operating expenditures is at \$17,592,001 and the total proposed capital expenditures is at \$1,692,032.

Mayor Calvin noted there will be a Special City Council meeting on September 30th to approve the proposed tax levy.

Finance Director Steve Okins gave further in-depth explanations of various sections of the budget and how the figures are calculated. Mr. Okins stated there will be a Special Finance Committee meeting on September 26th and the full council is invited to attend to address any questions/concerns regarding the proposed budget.

Council Member Alvarado offered the following comments: remind everyone of the Diversity Walk to be held on October 5th starting at 9:00 a.m. at the Goodness Coffee House; Willmar High School Homecoming is this Friday and the 2019 inductees to the Cardinal Pride Hall of Fame will be Walt Gislason, George “Pinky” Nelson, and Brad Welker.

Council Member Asmus offered the following comments: Homecoming is this Friday and urged everyone to be safe and cautious with the events happening throughout the week; Celebrate Art, Celebrate Coffee will be held at Kennedy School and urged everyone to attend; the pickleball courts at Sperry are coming along with striping and fencing to begin soon. The delay in finishing is due to the fact that the surface had to cure for 30 days before the striping and fencing could begin.

Council Member Plowman offered the following comments: Public Works/Safety Committee meeting will be Wednesday at 5:15 p.m.

Council Member Nelsen offered the following comments: Finance Committee meeting will be Thursday at 5:15 p.m.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Asmus seconding the motion which carried. The meeting adjourned at 9:32 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 19-141

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA
DECLARING SURPLUS SUPPLIES, MATERIALS, AND EQUIPMENT AND AUTHORIZING THE SALE
THEREOF**

Motion By: Mueske Second By: Asmus

WHEREAS, the City of Willmar ("City") is permitted to sell City-owned surplus supplies, materials, and equipment pursuant to Minnesota Statutes Section 471.345, subdivision 17; and

WHEREAS, the City has determined that it owns a surplus of supplies, materials, and equipment, as specified in Exhibit A, which is attached and incorporated herein; and

WHEREAS, the City wishes to hold a public auction on October 9, 2019 ("Public Auction") at which the surplus supplies, materials, and equipment may be sold.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. The City Council finds and declares that all surplus supplies, materials, and equipment listed in Exhibit A is City-owned surplus supplies, materials, and equipment and is authorized to be sold at the Public Auction.

Adopted by the City Council of the City of Willmar on September 16, 2019.

Approved:

s/s Marv Calvin
Mayor

Attested:

s/s Judy Thompson
City Clerk

Exhibit A

October 9, 2019, Vehicle Auction List

In accordance with City of Willmar Code 10-30 and Minnesota Statutes 168B.08, the below described property will be sold Wednesday, October 9, 2019, at 10:00 a.m. at the City Storage Lot, located on Highway 40, north of the City of Willmar Department of Public Works Garage.

Year	Make	Style	License Number	Serial Number
2000	Buick	Park Avenue	806VEK	1G4CU5212Y4197337
2007	Ford	Fusion	AYY205	3FAHP01197R157340
2003	Dodge	Stratus		1B3EL36X43N586312
2006	Ford	500	383WTH	1FAHP24196G164723
2001	Dodge	Caravan	231TBU	2B8GP74L41R393995
1998	Dodge	Dakota	273KMU	1B7FL26X2WS719846
2004	Cadillac	SRX	214NBA	1GYEE637840166835
1997	Mitsubishi	Montero	802MCZ	JA4MR41R0VJ002466
2003	Pontiac	Bonneville	577XCK	1G2HX52K434178232
2000	Buick	LeSabre	437UWL	1G4HP54K0YU268408
2003	Pontiac	Grand Prix	629VNR	1G2WP52K03F116127
2001	Dodge	Stratus	CCR425	1B3EJ46U91N691023
2002	Pontiac	Sunfire	158WTH	1G2JB524X27390275
	Chev	Impala		2G1WT58K679308724
2003	Dodge	Caravan	819XHE	1D4GP24323B306896
2009	Nissan	Quest	6ELC023	5N1BV28U39N103583
2006	Pontiac	G6	701WJH	1G2ZF55BX64150426
2006	Chev	Cobalt	955NBA	1G1AK15F467619615
2002	Chrysler	Town & Country	233KZX	2C4GP54L52R578289
2004	Saturn	Ion	313PAP	1G8AJ52F44Z220320
2004	Volkswagen	New Beetle	BVV064	3VWFE31C44M411472
2000	Toyota	Camry	978KBJ	4T1BG22K5YU677009
2007	kawaski	Motorcycle	0HV288	JKAEXMF197DA29585
2005	Buick	Rendezvous	BNF757	3G5DA03E15S543628
2000	Mitsubishi	Eclipse	010TPR	4A3AC34G6YE111247
2004	Kia	Sedona	663XVE	KNDUP131446513682
2006	Ford	Taurus	829TLN	1FAFP53U56A107197
2005	Mazda	Mazda 3	290URL	JM1BK323851221973
2009	Chev	Cobalt	940VXE	1G1AS58H697277206
1994	Egil	Vision	803NDN	2E3ED56T2RH221885
2000	Dodge	Ram	653RBB	3B7KF26Z3YM229404
2004	Chrysler	Pacifica	AW24287	2C8GF68404R334501
2001	Chrysler	300	WZ4643	2C3AE66G01H582583
2000	Chev	Impala	531KBH	2G1WF55E3Y9119584

2003	Nissan	Altima	BNF660	1N4AL11E13C222115
1990	Ford	Ranger	822JJK	1FTCR11X2LUB11618
2006	Chrysler	Pacifica	239MNY	2A4GM484X6R839244
2004	Ford	Freestar	BHH769	2FMZA50604BB27773

NOTICE TO BIDDERS

You are hereby notified that the City of Willmar, its employees and agents, have no information about the condition of the vehicles to be sold on this auction and, accordingly, make no representations or warranties of any kind as to the mechanical condition or condition of the body, frame, tires or any accessories on the vehicle. Each vehicle is sold "as is" without any representations or warranties of any kind and each sale is final. The City of Willmar cannot and will not take back any vehicle or refund any purchase price to any successful bidder.

TIM JOHNSON IS THE AUCTIONEER

RESOLUTION NO. 19-142

A RESOLUTION ACCEPTING PROJECT NO. 1610/1810 AND AUTHORIZING FINAL PAYMENT.

Motion By: Plowman

Second By: Nelsen

IMPROVEMENT: Project No. 1610/1810 – Armory, Gorton and Fairgrounds Lift Stations

CONTRACTOR: Lametti and Sons, Inc.
DATE OF CONTRACT: May 7, 2018
BEGIN WORK: June 12, 2018
COMPLETE WORK: June 15, 2019
APPROVE, ENGINEERING DEPT: August 23, 2019

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1610/1810 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,441,950.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,441,950.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,368,239.20
Less Previous Payments	\$1,287,201.74
FINAL PAYMENT DUE CONTRACTOR:	\$81,037.46

Dated this 16th day of September, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-143

A RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR PROJECT NO. 1901-A.

Motion By: Plowman Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for Project No. 1901-A between the City of Willmar and Duininck, Inc. of Prinsburg, Minnesota by Change Order No. 1 in the increased amount of \$13,452.08.

Dated this 16th day of September, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-144

A RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR PROJECT NO. 1901-B.

Motion By: Plowman Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for Project No. 1901-B between the City of Willmar and Duininck, Inc. of Prinsburg, Minnesota by Change Order No. 1 in the increased amount of \$8,008.00.

Dated this 16th day of September, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-145

**A RESOLUTION AWARDING THE DOAC POOL RESURFACING PROJECT TO
GLOBAL SPECIALTY CONTRACTORS INC. IN THE AMOUNT OF \$243,447.**

Motion By: Plowman Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Global Specialty Contractors, Inc. of Eagan, MN for the DOAC Pool Resurfacing project is accepted, and

BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$243,447.00.

Dated this 16th day of September, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

**RESOLUTION NO. 19-146
2019 FINAL MAIN STREET BUDGET AMENDMENT
TOTAL COST \$58,300**

*Budget Amounts are Essential

Motion By: Nelsen Second By: Asmus

Code

PERSONNEL SERVICES

10* Salaries Reg. Employees
11* Overtime Reg. Employees
12* Salaries Temp. Employees
13* Employer Pension Contr.
14* Employer Ins. Contr.

TOTAL

\$0.00

RECEIVABLES

Property Owners
County
State
City
City
Other

\$32,500.00

\$25,800.00

TOTAL

\$58,300.00

SUPPLIES

20* Office Supplies	\$500.00
21* Small Tools	
22* Motor Fuels & Lubricants	
23* Postage	\$1,000.00
24 Mtce. of Equipment	
25 Mtce. of Structures	
26 Mtce. of Other Improvements	
27 Subsistence of Persons	
28 Cleaning & Waste Removal	
29* General Supplies	\$15,000.00
TOTAL	\$16,500.00

FINANCING

Bonds
State
City
City
Other

TOTAL**\$0.00****GRAND TOTAL****\$58,300.00**Dated this 16th day of September, 2019**OTHER SERVICES**

30 Communications	\$9,000.00
31* Printing & Publishing	\$1,200.00
32 Utilities	
33* Travel-Conf.-Schools	\$4,770.00
34 Mtce. of Equipment	
35 Mtce. of Structures	
36* Mtce. of Other Impr.	
37 Subsistence of Persons	
38 Cleaning & Waste Removal	
39* Other Services	\$6,155.00
TOTAL	\$21,125.00

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

OTHER CHARGES

40 Rents	\$400.00
41 Insurance & Bonds	
42 Awards & Indemnities	\$15,000.00
43 Subscriptions/Memberships	\$3,675.00
44 Interest	
45 Licenses & Taxes	
46* Prof. Serv.	\$500.00
47 Advertising	\$1,100.00
48 Admin OH (Transfer)	
49 Other Charges	
TOTAL	\$20,675.00
GRAND TOTAL	\$58,300.00

RESOLUTION NO. 19-147
PRELIMINARY LOCAL OPTION SALES BUDGET
TOTAL COST \$750,000

*Budget Amounts are Essential

Motion By: NelsenSecond By: Asmus

Code

PERSONNEL SERVICES

10* Salaries Reg. Employees
11* Overtime Reg. Employees
12* Salaries Temp. Employees
13* Employer Pension Contr.
14* Employer Ins. Contr.

TOTAL **\$0.00**

RECEIVABLES

Federal
State
City Sales Tax **\$750,000.00**

TOTAL **\$750,000.00**

SUPPLIES

20* Office Supplies
21* Small Tools
22* Motor Fuels & Lubricants
23* Postage
24 Mtce. of Equipment
25 Mtce. of Structures
26 Mtce. of Other Improvements
27 Subsistence of Persons
28 Cleaning & Waste Removal
29* General Supplies

TOTAL **\$0.00**

FINANCING

Federal
State
City Sales Tax **\$750,000**

TOTAL **\$750,000.00**

GRAND TOTAL **\$750,000.00**

Dated this 16th day of September, 2019

OTHER SERVICES

33* Travel-Conf.-Schools
34 Mtce. of Equipment
35 Mtce. of Structures
36* Mtce. of Other Impr.
37 Subsistence of Persons
38 Cleaning & Waste Removal
39* Other Services

TOTAL **\$0.00**

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

OTHER CHARGES

46* Prof. Serv. **\$750,000.00**
48 Admin OH (Transfer)

TOTAL **\$750,000.00**

GRAND TOTAL **\$750,000.00**

RESOLUTION NO. 19-148

A RESOLUTION REAPPROPRIATING FUNDS FOR THE DOAC POOL RESURFACING PROJECT.

Motion By: Nelsen

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Capital Improvement Fund Budget as follows:

Decrease: 2019 CIP Budget \$43,447
Public Works Pro Patch Trailer

Increase: 2019 CIP Budget \$43,447
DOAC Pool Resurfacing Project

Dated this 16th day of September, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-149

**RESOLUTION AMENDING, CORRECTING AND RESTATING RESOLUTION NO. 19-068,
APPROVING PROPERTY TAX ABATEMENT**

MOTION BY: DAVIS SECOND BY: FAGERLIE

BE IT RESOLVED by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), that the Council, in order to correct scrivener's errors in its Resolution No. 19-068, passed May 6, 2019, and make administrative changes resulting from the combination of multiple tax parcels into the Development Property (as defined below) after the date Resolution 19-068 was adopted, without modifying the substance of the abatement granted in said Resolution, hereby amends, corrects and restates its Resolution No. 19-068 as follows:

1. Recitals.

- a. AEHM, LLC (the "Developer") proposes to develop an additional 24 unit apartment building existing on Developer's real property located at 2609 15th Avenue Northwest (parcel number 95-135-1140, the "Development Property") in the City, (the "Project"). The developer has requested that the City provide financial assistance to the Developer for the Project. The City proposes to use tax abatement for the purposes provided for in the Abatement Law (and hereinafter defined), including the Project. The proposed term of the abatement will be for a term not to exceed ten years in a total amount not to exceed \$87,000. The abatement will apply to the City's share of ad valorem property taxes on the Development Property derived from the value of the Project and paid by the Developer (the "Abatement").
- b. On May 6, 2019 the Council held a public hearing on the question of the Abatement, with proper notice being duly given.

- c. The Abatement is authorized under Minnesota Statutes, Section 469.1812 through 469.1815 (the "Abatement Law").
2. Findings for the Abatement. The City Council hereby makes the following findings:
- a. The Council expects the benefits to the City of the Abatement to at least equal or exceed the costs to the City thereof.
 - b. Granting the Abatement is in the public interest because it will increase or preserve the tax base of the City, help provide a variety of housing ownership alternatives and housing choices, and help redevelop or renew blighted areas.
 - c. The Property is not located in a tax increment financing district.
 - d. In any year, the total amount of property taxes abated by the City by this and other resolutions, if any, does not exceed greater of ten percent (10%) of the current levy or \$200,000.
3. Terms of Abatement. The Abatement is hereby approved pursuant to the following terms and conditions:
- a. The Abatement shall be for ten (10) years and shall apply to the taxes payable in the years 2022 through 2031 inclusive.
 - b. The City will abate the portion of the City's share of ad valorem property taxes on the Development Property derived from the value of the Project and paid by the Developer, beginning with taxes payable in 2022 and continuing through taxes payable in 2031, as follows:
 - i) The lesser of \$8,700 per year or the actual City portion of real estate taxes for that year.
 - ii) The Abatement shall be limited to the increase in property taxes resulting from the Project.
 - c. The Abatement shall be subject to all the terms and limitation of the Abatement Law, as well as that certain Tax Abatement Agreement between the Developer and the City approved by the City on even date herewith setting forth the rights and obligations of the parties with respect to the Abatement in greater detail.
 - d. The Abatement may not be modified or changed during its term.
4. Resolution No. 19-068 Superseded. This Resolution amends, corrects, restates and supersedes Resolution No. 19-068. All changes made to the operative provisions of Resolution No. 19-068 herein are shown in legislative text on Appendix A hereto.

Dated this 16th day of September, 2019.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

APPENDIX A: AMENDMENTS TO RESOLUTION NO. 19-068

RESOLUTION APPROVING PROPERTY TAX ABATEMENT

BE IT RESOLVED by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.

- b. AEHM, LLC (the "Developer") proposes to develop an additional 24 unit apartment building existing on Developer's real property located at 2609 15th Avenue Northwest (parcel number 95-135-1140, the "Development Property") in the City, (the "Project"). The developer has requested that the City provide financial assistance to the Developer for the Project. The City proposes to use tax abatement for the purposes provided for in the Abatement Law (and hereinafter defined), including the Project. The proposed term of the abatement will be for a term not to exceed ten years in a total amount not to exceed \$87,000. The abatement will apply to the City's share of ad valorem property taxes on the Development Property derived from the value of the Project and paid by the Developer (the "Abatement").
- b. On May 6, 2019 the Council held a public hearing on the question of the Abatement, with proper notice being duly given.
- c. The Abatement is authorized under Minnesota Statutes, Section 469.1812 through 469.1815 (the "Abatement Law").

2. Findings for the Abatement. The City Council hereby makes the following findings:

- a. The Council expects the benefits to the City of the Abatement to at least equal or exceed the costs to the City thereof.
- b. Granting the Abatement is in the public interest because it will increase or preserve the tax base of the City, help provide a variety of housing ownership alternatives and housing choices, and help redevelop or renew blighted areas.
- c. The Property is not located in a tax increment financing district.
- d. In any year, the total amount of property taxes abated by the City by this and other resolutions, if any, does not exceed greater of ten percent (10%) of the current levy or \$200,000.

3. Terms of Abatement. The Abatement is hereby approved; ~~provided, however, this approval is contingent upon the approval by Kandiyohi County of an abatement program for the Project upon the same terms as set forth below for the County's share of property tax amount which the County receives from the Property. The terms of the Abatement are as follows pursuant to the following terms and conditions:~~

- a. The Abatement shall be for ten (10) years and shall apply to the taxes payable in the years ~~2020-2022~~ through ~~2030-2031~~ inclusive.
- b. The City will abate the portion of the City's share of ad valorem property taxes on the Development Property derived from the value of the Project and paid by the Developer, beginning with taxes payable in ~~2020-2022~~ and continuing through taxes payable in ~~2030-2031~~, as follows:

~~i)1-~~ The lesser of \$8,700 per year or the actual City portion of real estate taxes for that year.

ii) The Abatement shall be limited to the increase in property taxes resulting from the Project.

c. The Abatement shall be subject to all the terms and limitation of the Abatement Law, as well as that certain Tax Abatement Agreement between the Developer and the City approved by the City on even date herewith setting forth the rights and obligations of the parties with respect to the Abatement in greater detail.

d. The Abatement may not be modified or changed during its term.

Dated this 6th day of May, 2019.

Mayor

Attest:

City Clerk

RESOLUTION NO. 19-150

TAX ABATEMENT AGREEMENT FOR AEHM, LLC

Motion By: Nelsen

Second By: Schwantes

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Tax Abatement Agreement between the City of Willmar and AEHM, LLC. In a form in substantial conformity with the draft resolution published in the agenda packet for the meeting at which this resolution was adopted.

Dated this 16th day of September, 2019

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-151

**RESOLUTION ADOPTING PLANNING COMMISSION FINDINGS OF FACT AND DENIAL OF REZONING
OF CERTAIN PROPERTY OWNED BY KANDIYOHI POWER COOPERATIVE
FROM AGRICULTURE (AG) TO GENERAL BUSINESS (GB)**

Motion By: Nelsen

Second By: Plowman

WHEREAS, Kandiyohi Power Cooperative and Daniel Tempel made application to the Willmar City Planning Commission for the rezoning of real property located at Civic Center Drive in the City of Willmar, Minnesota. The property is approximately 3.2 acres in area and is legally described in Exhibit A which is attached hereto and incorporated herein by reference (Subject Property); and

WHEREAS, the application requested that the Subject Property which is currently zoned AG (Agriculture) be rezoned to GB (General Business); and

WHEREAS, the Planning Commission properly noticed and conducted a public hearing on the proposed rezoning of the Subject Property from AG (Agriculture) to GB (General Business) on August 21, 2019, pursuant to City of Willmar Zoning Ordinance Section 9.H, and recommended unanimously that rezone request for the Subject Property be denied;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, based upon the recommendation of the City of Willmar Planning Commission, that it adopts the findings of fact related to the proposed rezoning of the Subject Property from Agriculture (AG) to General Business (GB), as found in Resolution 2019-04 of the City of Willmar Planning Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the request to rezone the real property located at Civic Center Drive NE in the City of Willmar, Minnesota, approximately 3.2 acres in area, and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, is hereby **DENIED**.

Dated this 16th day of September, 2019

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

EXHIBIT A

The real property located in the City of Willmar, County of Kandiyohi, State of Minnesota, and legally described as:

All that portion of the West Half of the Northwest Quarter of the Northeast Quarter of Section 12, Township 119 North, Range 35 West of the Fifth Principal Meridian, Kandiyohi County Minnesota lying Northwesterly of a line drawn parallel with and distant 50 feet Northwesterly of, as measured at right angles to, Burlington Northern Railroad Company's (formerly Great Northern Railway Company's) Main Track centerline, as now located and constructed upon over and across said West Half of the Northwest Quarter of the Northeast Quarter.